

PATENT
Attorney Docket No. 11034US02 / 100-248.P1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

Beamer, et al.

Application No.: 09/446,415

371 Date: July 19, 2000

U.S. National Phase of: PCT/US98/13007

International Filing Date: June 22, 1998

For: BACTERICIDAL/PERMEABILITY-INCREASING PROTEIN: CRYSTALLIZATION, X-RAY DIFFRACTION, THREE-DIMENSIONAL STRUCTURE DETERMINATION, RATIONAL DRUG DESIGN AND MOLECULAR MODELING OF RELATED PROTEINS

Examiner: A. Marschel, Ph.D.

Group Art Unit: 1631

RESPONSE TO OFFICE ACTION OF APRIL 5, 2002

U.S. Patent and Trademark Office
Box Sequence
P.O. Box 2327
Arlington, VA 22202

Sir:

This is in response to the Office Action dated April 5, 2002 in the above-identified application. The Office Action stated that the communication filed by Applicants on October 24, 2001, was non-responsive because of errors listed on the attached CRF Problem Report.

#15
Plunkett
5/28/02

The CRF Problem Report indicates that the computer-readable file containing the Sequence Listing was not readable.

In response to the Office Action, Applicants hereby submit a Combined Statement Under 37 C.F.R. §1.821 and 1.825, and a Diskette containing a Sequence Listing along with a paper copy of the Sequence Listing.

Applicants' representative believes the Diskette previously submitted was not defective at the time it was mailed by Applicants' representative, since the Diskette was checked using the CHECKER Version 3.1 program and found to be operable. The Diskette must have been damaged during transportation or handling. Indeed, the CRF Problem Report acknowledges that disks "may have been affected by treatment given to all incoming mail." Accordingly, Applicants are not responsible for any delay in prosecution.

The Commissioner is hereby authorized to charge Account no. 13-0017 (McAndrews, Held & Malloy) for any fee deficiency, or credit any overpayment associated with this application.

In view of the foregoing remarks, Applicants submit that a complete response has been made to the Office Action of April 24, 2001, and that the claims as amended in Applicants' communication of October 24, 2001 are in condition for allowance. The Examiner is invited to telephone Applicants' representatives if the Examiner believes, for any reason, that personal communication would expedite prosecution of this application.

Respectfully submitted,



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Dated: May 6, 2002

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